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#### REMARKS

Amendments to the specification are made to correct typographical and grammatical errors and to render the Summary of the Invention consistent with the claims as amended.

Claims 1-64 were in the application as originally filed and recently examined. By the present amendments, claims 1, 33, and 52-58 are canceled without prejudice. Claims 2, 6, 8, 10-12, 14, 16, 18, 23, 25, 26, 29, 31, 32, 34, 42, 44-46, 49, 59, 60, and 64 have been amended and new claims 65, 66 have been added. No new matter was added by any of the amendments.

#### Claim Rejections – 35 U.S.C. §112

Claim 25 has been rejected under 35 U.S.C §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim subject matter which Applicants regard as the invention. The rejection should be withdrawn. Claim 25 has been amended to change its dependency and to indicate that the other fibers form the balance of the fibers in the core layer. It is believed that the claim is now sufficiently definite and distinctly claims subject matter which Applicants regard as the invention.

#### Claim Rejections – 35 U.S.C. §102

Claims 1-11, 16-31, 33-38, 40, 42, 43, and 52-64 stand rejected under 35 U.S.C. § 102 (e) as being anticipated by U.S. Patent No. 6,066,388 issued to Van Kerrebrouck. The rejection is respectfully traversed.

Claims 1, 33 and 52-58 are canceled without prejudice so the rejection with respect to those claims is moot. Claims 2-11 and 16-31 now depend directly or indirectly from new claim 65 and claims 34-38, 40, 42, and 43 now depend directly or indirectly from new claim 66. Claims 65 and 66 both require the strengthening layers to have less fine fibers by weight than the core layer. This concept is not taught or suggested by the Van Kerrebrouck patent. Van Kerrebrouck says nothing about the percentage by weight of finer fibers in any of the layers. In fact the suggestion provided by Van Kerrebrouck is just the opposite of Applicant's invention, i.e., the outer layers will have *more* fine fibers by weight than the inner layer. For example, Van Kerrebrouck states that the constructive fibers of the outer layers are finer than the constructive fibers of the inner layers (col. 3, ll. 39-41). To the extent that there are as many or more

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constructive fibers in the outer layers, there will be *more* finer fibers on the outer layers than in the inner layer. Also, the binding fibers of the outer layers are preferably between 1.5 and 10 dtex, whereas the binding fibers of the inner layer are preferably between 4 and 28 dtex. (col. 3, ll. 45-50). Although the ranges overlap, it is apparent that the range of thicker fibers is primarily in the inner layer and the range of thinner fibers is primarily in the outer layers. Van Kerrebrouck teaches us that the percentage of binder fibers in the outer layers is greater than in the inner layers (col 2, ll. 65-68). Clearly, the implication of Van Kerrebrouck is that there will be more fine fibers in the outer layers than in the inner layer, the exact opposite of Applicants' claims 65 and 66.

Because Van Kerrebrouck does not disclose a laminate with strengthening layers having less fine fibers by weight than in the core layer, it does not anticipate claim 65. Because Van Kerrebrouck does not disclose a headliner with strengthening layers having less fine fibers by weight than in the core layer, it does not anticipate claim 66. Moreover, because Van Kerrebrouck in fact teaches the opposite concept, there is no teaching, suggestion or motivation for applying the teaching of Van Kerrebrouck to arrive at the inventions of claims 65 and 66. Claims 65 and 66 are thus patentable over Van Kerrebrouck.

Also, because claims 2-11, 16-31, 34-38, 40, 42, and 43 all depend directly or indirectly from claims 65 or 66, they are likewise patentable over Van Kerrebrouck. With respect to claims 2 and 34, Van Kerrebrouck does not teach or suggest nylon. Concerning claims 4, 5, 36, and 37, Van Kerrebrouck does not teach the listed ranges, but rather suggests different ranges. Concerning claims 6, 8, and 40, Van Kerrebrouck does not teach the listed ranges. At most, Van Kerrebrouck teaches one example having a single basis weight in the inner layer of 400 gm/m<sup>2</sup> (or about 10.77 oz/yd<sup>2</sup>). Concerning claims 7 and 9, Van Kerrebrouck does not teach the listed ranges. At most, Van Kerrebrouck teaches one example having a total thickness of 35 mm and needling into the outer layers to a depth of 10 mm (col. 8, ll. 24-40). Nothing, however, teaches or suggests the thickness of the outer layers. Van Kerrebrouck teaches needling to increase densification in the outer layers, but "only on the surface" (col. 5, ll. 59-65). Needling is to a predetermined depth, but nothing suggests that the depth is equivalent to the depth of the outer layer. In fact, nothing in Van Kerrebrouck teaches the depth of the outer layers. The Examiner without basis appears to presume that the 10 mm penetration of the needling in Van Kerrebrouck

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equals the depth of the outer layers. Concerning claims 16 and 17, Van Kerrebrouck teaches nothing about a web adhesive layer. Concerning claim 21, Van Kerrebrouck does not teach the listed range. At most, Van Kerrebrouck teaches one example having a single basis weight in the outer layers of 200 gm/m<sup>2</sup> (or about 5.38 oz/yd<sup>2</sup>).

Claim 59 requires the core layer to have a resistivity greater than the outer layers. Van Kerrebrouck teaches nothing about the resistivity of the respective layers. But, if anything, Van Kerrebrouck teaches the opposite of Applicants' invention. Indeed, the Examiner apparently agrees, given his conclusion that the denser formation of the outer layers of Van Kerrebrouck would make the outer layers more resistive (Office Action, p. 4). In claim 59 (as well as claim 28), the core layer has greater resistivity than at least one of the strengthening layers.

Because Van Kerrebrouck does not disclose a core layer having greater resistivity than at least one of the strengthening layers, it does not anticipate claims 28 and 59. Moreover, because Van Kerrebrouck in fact teaches the opposite concept, there is no teaching, suggestion or motivation for applying the teaching of Van Kerrebrouck to arrive at the invention of claims 28 and 59. Claims 28 and 59 are thus patentable over Van Kerrebrouck. Moreover, because claims 60-64 all depend directly or indirectly from claim 59, they are likewise patentable over Van Kerrebrouck.

#### **Claim Rejections – 35 U.S.C. §103**

Claims 39 and 41 stand rejected under 35 U.S.C. § 103 (a) as being unpatentable over Van Kerrebrouck. The rejection is respectfully traversed.

The Examiner has apparently determined that it would not have been obvious to set the thickness in the laminate. Claims 7 and 9 (both containing the same limitations with respect to the laminate) were deemed by the Examiner to be anticipated, but not non-obvious with respect to Van Kerrebrouck. It would have been no more obvious to set the thickness in the molded headliner than it would have been in the laminate.

Moreover, the Examiner asserts that Van Kerrebrouck does not disclose the thickness of the core layer after molding. While this is true, Van Kerrebrouck nevertheless teaches in one example that the thickness of the article after molding is 5 mm, which is equivalent to about 0.18 inches (col. 8, ll. 42-43). Even assuming that the molded article in Van Kerrebrouck were to

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keep the same thickness proportions as the examiner presumed in the laminate (20 mm total for the outer layers and 15 mm total for the inner layer, or 57% outer layer and 43% inner layer), the thickness of the outer layers of the molded article would be 2.85 mm (.113 in.) and the thickness of the inner layer would be 2.15 mm (.085 in.). The suggested core layer of .085 in. is outside the range in claims 39 and 41. In fact, being less dense, the inner layer would likely be more compressed when molded, suggesting that the core layer is further outside the claimed range.

In any event, the Examiner has asserted *without support* that it would have been an obvious modification to adjust the thickness of a mold. One can only guess at how adjusting the thickness of a mold will adjust the thickness of layers in a product molded within the mold. But even assuming that it were possible to adjust the thickness of the layers during the molding process, MPEP § 2144.03 requires the Examiner to cite a reference to support his assertion that it would have been obvious to adjust the thickness of the inner layer in the molded article of Van Kerrebrouck to be within the claimed range. There is simply no teaching or suggestion or motivation in Van Kerrebrouck that would reach the invention of claims 39 and 41.

Claim 32 stands rejected under 35 U.S.C. § 103 (a) as being unpatentable over Van Kerrebrouck in view of U.S. Patent No. 4,851,283 to Holtrop et al. The rejection is respectfully traversed.

Claim 32 depends from claim 65 and is patentable over the cited art for the same reasons that claim 65 is patentable. Moreover, there is no basis for the alleged combination of Van Kerrebrouck and Holtrop et al. Holtrop et al. discloses a non-woven fabric layer bonded to a foam layer, where the fabric layer is an acoustical pad. The fabric layer comprises binder fibers and high melting point staple fibers. The average denier of the binder fibers is 1-15 with a preferred range of 3-8, but the fibers are selected to provide optimum balance between sound-absorbing and stiffness characteristics. Holtrop et al. teaches that increasing thickness of fibers improves stiffness and reduces sound absorption characteristics. (col. 2, ll. 56-66). Contrary to the Examiner's assertion, it does *not* teach specifically that using fibers of 1 denier will improve sound absorption characteristics.

Van Kerrebrouck is directed to a sandwich laminate where the outer layers provide the predominant stiffness and the inner layer provides the predominant sound absorption. Holtrop et al. is directed to a headliner for compact vehicles where the fabric layer provides both stiffness

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and sound absorption characteristics that must be in balance. There is no teaching, suggestion or motivation for adding the balanced stiffness/sound absorption characteristics of the fabric layer of Holtrop et al. to the inner layer of Van Kerrebrouck.

Even if the combination were tenable, it would still not reach Applicants' invention. Although Holtrop et al. teaches a range that includes fibers in a non-woven fabric layer below 3 denier, the *preferred* range is 3-8 denier (col. 2, ll. 57-58). This would tend to teach away from having fine fibers in a core layer of less 2.7 as claimed. Thus, the alleged combination does not teach or suggest the claimed limitation; in fact the combination teaches away from the claimed limitation. Claim 32 is thus patentable over the cited references.

#### **Allowable Subject Matter**

Applicants acknowledge with thanks the Examiner's determination of the allowability of claims 12-15 and 44-51. In view of the foregoing, however, it is believed that all of the claims are patentable and therefore it is not necessary to rewrite these claims into independent form. Applicants do not agree that U.S. Patent Nos. 6,322,658 to Byma et al., 6,156,682 to Fletemeier et al., and 6,008,149 to Copperwheat constitute pertinent prior art.

#### **Conclusion**

Applicants respectfully submit that the claims as amended are patentable and look forward to receiving a timely notice of allowability. Any questions concerning the foregoing should be addressed to either Joel E. Bair at 616-742-3513 ([jeb@mcgarrybair.com](mailto:jeb@mcgarrybair.com)) or Mark A. Davis at 616-742-3514 ([mad@mcgarrybair.com](mailto:mad@mcgarrybair.com)).

Respectfully submitted,

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